

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TYLER ERDMAN, :
Plaintiff, : ORDER
-v.- : 20 Civ. 4162 (LGS) (GWG)

ADAM VICTOR, :
Defendant. :
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Before the Court are a letter from plaintiff and a response from defendant. See Letter, filed Mar. 18, 2024 (Docket # 236) (“Pl. Letter”); Letter, filed Mar. 19, 2024 (Docket # 237).

The request for sworn statements from Adam Victor and Jeffrey Eilender are denied. Plaintiff is free to depose Victor as to any relevant matter. The Court has no basis to order Eilender to produce a sworn statement. In any event, the proper course would be for plaintiff to first seek answers from Victor or his attorneys.

Defendant’s responsive letter seems to have addressed most of the matters raised in the list of 8 questions provided in plaintiff’s letter. See Pl. Letter at 4. While some of plaintiff’s questions are too broad to expect a written answer, some are appropriately narrow. Accordingly, for the sake of completeness, defendant’s attorneys should provide a letter to plaintiff (which need not be sworn) that lists the text of questions 2, 3, 4, 5, and 7 on page 4 of Docket # 236 and provides an answer to each of these questions. In addition, defendant’s attorneys shall answer the following two question (which for the sake of clarity will be labeled as 9 and 10):

(9) The efforts made to communicate with Schlam Stone and Dolan (“SSD”) regarding documents still within SSD’s possession and not currently available to defendant; and (10) Any information they have as to whether there are any responsive documents provided by defendant Victor to SSD that are still within SSD’s possession and unavailable to defendant’s counsel.

The letter from defendant’s attorneys shall be served on plaintiff on or before March 25, 2024.

SO ORDERED.

Dated: March 21, 2024
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge